

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
**FILED**

MAR 23 2011

CLERK, U.S. DISTRICT COURT  
By \_\_\_\_\_ Deputy

ERNEST MACKIFIELD,

Plaintiff,

VS.

NO. 4:10-CV-540-A

MICHAEL J. ASTRUE,

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

This is an action by plaintiff, Ernest Mackifield, seeking judicial review of the final decisions of defendant, Michael J. Astrue, Commissioner of Social Security ("Commissioner"), that plaintiff was not disabled under sections 216(i) and 223(d) of the Social Security Act ("Act") prior to December 31, 2010, the date he was last insured under Title II of the Act, and was not disabled under section 1614(a)(3)(A) of the Act. On November 30, 2010, Commissioner filed a motion to dismiss, which was converted by the United States Magistrate Judge<sup>1</sup> to a motion for summary judgment. On March 3, 2011, the Magistrate Judge issued his proposed findings, conclusions, and recommendation ("FC&R") recommending that the motion for summary judgment be granted and

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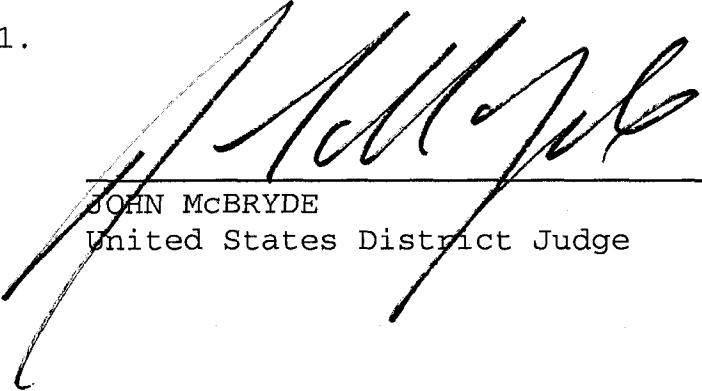
<sup>1</sup>The action was referred to the Magistrate Judge pursuant to Special Order No. 3-251 of this court for decisions as to non-dispositive matters and for findings and recommendations as to dispositive matters.

that this action be dismissed with prejudice. In the FC&R, the Magistrate Judge granted the parties until March 16, 2011, by which to file objections. Neither party filed objections.

After a thorough study of the filings of the parties, the record, the FC&R, and applicable legal authorities, the court has decided to accept the proposed findings and conclusions of the Magistrate Judge and to adopt his recommendation. Therefore,

The court ORDERS that the above-captioned action be, and is hereby, dismissed with prejudice.

SIGNED March 23, 2011.



JOHN MCBRYDE  
United States District Judge